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SUBJECT: 2004 MALAWI CHILD LABOR UPDATE

REF: (A) 03 LILONGWE 909, (B) STATE 163967, (C) LILONGWE

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1. This message is an update of reftel A, as requested reftel B.

Laws and Regulations Proscribing Child Labor

2. According to Labor Commissioner Zebron Kambuto, the GOM is currently preparing a code of conduct to serve as a guide for labor officers to define and combat child labor. In addition, Kambuto said the GOM has prepared an outline of weaknesses in the current legislation and plans to amend the legal framework regarding child labor in order to make labor policies and legislation more effective. The proposed legislation changes will be reviewed at a stakeholder meeting in late August 2004.

Implementation and Enforcement

3. Discussing enforcement, Kambuto said during the previous year the GOM has trained about 120 labor officers in child labor monitoring, reporting and inspection. There are a total of 150 labor officers/inspectors in the ministry, all of whom handle child labor investigation. Since the training took place in late 2003, the Ministry of Labor and Vocational Training (MOLVT) has held one refresher course.

Formal Mechanisms to Investigate Complaints

4. Turning to the investigative process, Kambuto said there were many incidents of child labor reported by district labor officers in all regions of the country. He said, however, there were no prosecutions or convictions in the past year. Conceding that more prosecutions and convictions should have occurred, Kambuto said the GOM plans to intensify civic education about child labor, as many of the violations are a result of ignorance of the law.

Social Programs to Prevent/Redress Child Labor

5. In an effort to combat child labor, the Ministry has increased its partnerships with local and international NGOs, youth organizations, and other international organizations, such as UNICEF and ILO/OPEC. The Elimination of Child Labor in Tobacco (ECLT) project has been addressing root causes of child labor by building schools and performing civic education. These projects also included food security, agroforestry, water sanitation, and health components.

6. Attempting to use local monitors in rural areas, the Ministry has organized youth village committees that monitor and report on child labor. According to Kambuto, the local monitor projects have largely been successful because people in the villages have responded better to local authorities than to Ministry officials. Additionally, ILO/OPEC conducted civic education programs throughout the year using local media, particularly during July in observance of Child Labor Day.

Comprehensive Policy for Worst Forms of Child Labor

7. In July 2004, the GOM released a study conducted by the Malawi National Statistical Office (NSO) designed to determine the magnitude of child labor in Malawi (reftel C). The study included three parts: an assessment of child labor, a study on child prostitution, and a study on street children. The report stated that one-third of Malawian children are involved in the report's definition of child labor. The Ministry of Labor is currently reviewing the report and consulting with stakeholders in order to find ways to strengthen the GOM's legislative framework to increase protection for children.

Comment

8. Malawi requires resources to combat child labor and effectively implement related laws. The Ministry

conducts educational campaigns, but lacks the requisite human and financial resources to successfully implement programs. Positive signs, especially the proposed code of conduct for labor officers, demonstrate the GOM's desire to eliminate child labor. However, substantial improvement is not likely to occur until the GOM and its international partners make progress in reducing poverty and mitigating the impact of HIV/AIDS.

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